

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 60 of 2021**

- Devendra Pandey S/o Late Kashiprasad Pandey Aged About 59 Years R/o Maharana Pratap Nagar Korba, Tehsil And District Korba Chhattisgarh.

---- Appilcant

Versus

- State Of Chhattisgarh Through Police Station Urga, District Korba Chhattisgarh

---- Respondent

For Applicant	: Shri Manoj Paranjape, Advocate
For Respondent/State	: Shri B.P.Banjare, Dy.GA

Hon'ble Smt. Justice Rajani Dubey**Order On Board By Virtual Hearing****21/06/2021**

This is an application filed under Section 438 of the Code of Criminal procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No. 370/2012 registered at Police Station Urga, district Korba (CG) for the offence punishable under Sections 409,420,467,468,471 read with Section 120-B and 34 IPC.

Case of the prosecution in brief is that on 10.04.2012 report was lodged by the complainant who is a District Marketing Officer against five accused persons on the allegation that they have misappropriated amount of Rs. 11061576.00 at Paddy Procurement Centre. Sohagpur. It is alleged that neither in the final report nor in the challan, name of

the present applicant was not mentioned. It is further case of prosecution that after investigation and final charge sheet, vide judgment of acquittal dated 03.01.2020, all the accused persons were acquitted. However, in the closure report, the Judicial Magistrate First Class, Korba has held that except the statement of one of the co-accused namely Khagesh Pratap Singh, there is no evidence against the applicant. It is alleged that on the basis of the statement of the co-accused, the JMFS, Korba has refused to accept the closure report and observed that the matter requires further investigation in respect of the present applicant.

Contention of the counsel for the applicant is that the applicant has been falsely implicated in the present case. He submits that only with a malafide intention, the co-accused has named the present applicant. He submits that though the trial has been concluded and all the accused persons have been acquitted, it has been directed for re-investigation. Lastly, he submits that in the present circumstances of the pandemic Covid-19, the investigation will take time and therefore he may be granted bail.

On the other hand, learned counsel for the State opposes the bail application.

Having heard counsel for the parties and considering the totality of the facts, in particular, the nature of allegation against the applicant, this Court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his executing a

personal bond in sum of Rs. 50,000/- with one surety to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation/ medical examination before the concerned investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge